IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

FRIDAY THE FOURTEENTH DAY OF NOVEMBER, TWO THOUSAND AND THREE

: PRESENT :

THE HONOURABLE MR.JUSTICE : **C. Y. SOMAYAJULU**

CRIMINAL PETITION No. 5202 of 2003

Between:

1. Yannabathina Chandra Mohan Rao
2. Yannabathina Gopalaiah @ Gopal
3. Yannabathina Lakshmi Kanthamma

..Petitioners

(Accused Nos.1 to 3 in PRC No. 59/2003 on the file of the AFJCM. Court, Kavali, Nellore)

And

1. Parri Swapna D/o. Daveed, aged about 21 years, working as Nurse, R/o. Door No. 1-4-270, Brundavanam Street, Bittaragunta, Bogole Mandal, Nellore District.
2. State of A.P., rep. by Public Prosecutor, High Court of A.P., Hyderabad.

..Respondent

(Complainant in-do)

Petition under Section 438 of Cr.P.C. praying that in the circumstances stated therein, the High Court will be pleased to enlarge the petitioners on bail in the event of they being arrested pending trial and enquiry in PRCNo. 59/203 on the file of Additional Judicial First Class Magistrate, Kavali..

The Petition coming on for hearing, upon perusing the petition and the grounds filed in support thereof and upon hearing the arguments of Mr. P. Ravi Kiran, Advocate for the Petitioners and of the Public Prosecutor, on behalf of the Respondent No.2.

The Court made the following **ORDER :**

This is an application for Anticipatory Bail by the accused in P.R.C.No.59 of 2003 on the file of the Court of Judicial Magistrate of I Class, Kavali, registered under Section 3(i) (x) and (xii) of S.C, S.T. (Prevention of Atrocities) Act, 1989. (the Act)

The contention of the Learned Counsel for the petitioner is that the petitioners are falsely implicated in the case by alleged victim, not having been satisfied with the proceedings in C.C.No. 200 of 2003 initiated by the Police against the petitioners 1 and 2, in connection with the same offence and so, she has falsely implicated all the petitioners by making use of the provisions of the Act and so the petitioners may be granted the Bail sought.

Learned Public Prosecutor opposed the application.

In respect of the very same incident, earlier, Police registered a case in Crime No. 24 of 2003 of Bitragunta and after investigation then filed charge sheet for the offence under Sections 420, 493 and 506 Read with 34 I.P.C. against the petitioners 1 and 2. There is no mention about the third petitioner in the said crime. Subsequently another private complaint is filed under the provisions of the Act. Therefore I am of the opinion that, the petitioners can be granted bail sought because there is no mention abut the alleged incident of abusing the victim by invoking the name of her caste in the earlier proceedings.

Contd…

2…

Petitioners shall surrender before the Additional Judicial Magistrate of I Class, Kavali in P.R.C.No. 59 of 2003 within one week from today and on such surrender they shall be enlarged on bail on their executing bond for Rs. 7,500/- each with two sureties each in a like sum each to the satisfaction of the Additional Judicial Magistrate of I Class, Kavali. They should make themselves available for interrogation by police as and when required in connection with the above case.

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT
REGISTRAR

To
1. The Special Judge for Trial of Case under SC & STs (POA) Act, Nellore.
2. The Addl. Judicial Magistrate of First Class, Kavali, Nellore.
3. Two CCs to the Public Prosecutor, High Court of A.P., Hyd(OUT)
4. One CC to Mr. P. Ravi Kiran, Advocate(OPUC)
5. One Spare copy.

TKK

HIGH COURT

CYS.J

DT.14-11-2003

ANTICIPTORY
BAIL ORDER

CRL.P.NO. 5202 OF 2003

RELEASE THE PETITIONERS
ON BAIL IN THE EVENT OF
THEIR ARREST.

DRAFTED BY TKK
DT.14-11-2003

HIGH COURT

CYS.J

DT.14-11-2003

ANTICIPATORY BAIL ORDER

CRL.P.NO. 5202 of 2003

RELEASE THE PETITIONERS ON BAIL IN THE EVENT OF THEIR ARREST